

REMARKS

Claims 1-8 were pending in the application, where claims 6 and 7 have been canceled and new claims 9 -11 are added. The Examiner has objected claims 6 and 8 because of having informalities. The Examiner has rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Wada et al. (U.S. Patent No. 4,447,884). The Examiner has also rejected claims 7 and 8 under 35 U.S.C. §102(b) as being anticipated by Wada in view of Hudspeth et al. (U.S. Patent No. 3,940,742). Applicant respectfully traverses these rejections.

With respect to the objection of claims 6 and 8, claim 6 is canceled and claim 8 has been modified based on the Examiner's suggestions.

With respect to the rejection of claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Wada, Applicant respectfully submit that there is no teaching, suggestion or motivation within the prior art as the combination of features recited in Applicant's claims. Wada discloses an electronic woman thermometer which has a graphic display system. The objective of Wada's invention is to provide woman an automatically temperature detection device to determine whether the present day belongs to the conceiving period or the sterile period. (Wada column 1, lines 24 - 37). So the Wada device is designed to be used by one person over a 10-days period. And the temperature measurements will be sequentially stored into the 10-days memory locations. First, a user can not select which memory locations the temperature measurement will be stored, which is done in an automatically first-in-first-out queue fashion. Second, the Wada temperature device will not record any temperature measurement is less than the 35 degree and it will only store the highest temperature measured in that day, during that day any measured temperature bellow the highest one of the day will be discarded automatically. Therefore, based on the operation algorithm and the hardware design of Wada's device, it is not designed for a multi-users purpose and can't be used for multi-users.

With respect to the rejection claims 7 and 8 under 35 U.S.C. §102(b) as being anticipated by Wada in view of Hudspeth, besides the aforementioned discussion regarding to Wada, in addition, Hudspeth discloses a data acquisition storage and display system including a hand hold unit and a mini-computer based printer unit, which the hand hold unit can measure and store many patients' identification number and the measurements for their body temperature, respiration and pulse into the device's memory. The LED display of the hand hold unit will display the measured results or the manual inputs from the keypad, however, once these data are transferred into the hand hold unit's memory, a user can't not access the memory locations except connecting the hand hold unit to the mini-computer based printer unit and the printer unit will extract all memory content from the hand hold unit and print out all contents. Once the memory contents are transferred to the printer unit, these memory contents in the hand hold unit will be automatically erased.

The standard for obviousness is described in a recent case, In re Dance, 48 USPQ2d 1635 (CAFC 1998), as follows.

To establish a *prima facie* case of obviousness based on a combination of the content of various references, there must be some teaching, suggestion or motivation in the prior art to make the specific combination that was made by the applicant. *In re Raynes*, 7 F.3d 1037, 1039, 28 USPQ2d 1630, 1631 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Obviousness can not be established by hindsight combination to produce the claimed invention. *In re Gorman*, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991). As discussed in *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985), it is the prior art itself, and not the applicant's achievement, that must establish the obviousness of the combination. *In re Dance*, 48 USPQ2d 1635, 1637 (CAFC 1998).

(Emphasis added)

Neither Wada nor Hudspeth nor the combination of both teaches or suggests every element of claims of the present invention, namely, selecting the number of users, assigning users' identification and associating individual memory section with each user and retrieving displaying information from selected user. Therefore, Applicant respectfully disagrees with the

displaying information from selected user. Therefore, Applicant respectfully disagrees with the Examiner's rejections.

If the Examiner believes that a further telephonic interview will facilitate allowance of the claims, he is respectfully requested to contact the undersigned at (610) 446-5886. For the reasons stated above, Applicants respectfully assert that the pending claims are in condition for allowance. Reconsideration and allowance of the pending claims are respectfully requested.

Respectfully submitted,

Chin-Chih Hsieh

By 
Kao H. Lu, Esquire
Registration No. 43,761
(610) 446-5886

686 Lawson Ave
Havertown, Pa 19083